

DEC. 18. 2002 3:19PM

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NO. 5606 P. 1/3

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858 792-6773 FOLEY AND LARDNER


NO. 5606 P. 2/3

Atty. Dkt. No. EPI3004B
(formerly 310098.401C1)

#316

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hein, et al.
Title: NOVEL EPITHELIAL TISSUE
TARGETING AGENT
Appl. No.: 09/005,318
Filing Date: 01/9/1998
Examiner: D. Romeo
Art Unit: 1647

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December 18, 2002
(Date of Deposit)

RESPONSE TO SPECIES ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This response follows a requirement for species election mailed November 19, 2002. Accordingly, this response is timely filed.

Claims 42-72 are now pending. The Examiner alleges that the claims are generic and that the targeting molecule comprising a J chain or portion thereof, linkage to a biological agent, and the biological agent are each a subgenus of the invention. The Examiner requests election of a single species of targeting molecule, link and biological agent for initial examination.

A telephonic interview between the undersigned and the examiner was held on December 5, 2002 to discuss the election requirement. The examiner stated that an acceptable species of targeting molecule may be full length J-chain or J chain fragment specified by a SEQ ID NO., the link may be any from claims 45, 46, 47, 65 (only one of the group specified in claim 65) and claim 66, and the biological agent may be any from the Markush group in claim 62. Applicant hereby elects as the targeting molecule the amino acid sequence encoded by nucleotides 1-213 of SEQ ID NO:8 (see, e.g., claim 50).

Atty. Dkt. No. EPI3004
(formerly 310098.401)

Applicant also elects a peptide bond as the linker (see e.g., claim 45) and an antigen combining site as the biological agent (see, e.g., claim 62).

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 50-0872.

Respectfully submitted,

Dated: December 18, 2002

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